

REMARKS

Claims 1-9 were examined and reported in the Office Action. Claims 1-9 are rejected. Claims 1-3, 5 and 9 are amended. Claims 4 and 6-8 are cancelled. New Claim 10 has been added. Claims 1-3, 5, 9 and 10 remain.

Applicant requests reconsideration of the application in view of the following remarks.

In the Action, Claims 1, 2, 3, 5, 7, 8 and 9 are rejected under 35 USC 112, second paragraph, as being indefinite. In response, Applicant has cancelled Claims 4, and 6-8, amended Claims 1-3, 5 and 9 and added new Claim 10 all of which reflect the technical features of the claimed invention (see page 5, line 32 – page 6 of the detailed description).

Accordingly, reconsideration and withdrawal of the rejection to the claims under 35 USC 112, second paragraph, is respectfully requested.

In the Action, Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. Patent No. US 6,574,593.

In response, Applicant notes that the claimed invention classifies an input frame in order to determine a transmission rate of the input frame, by calculating a fixed code-book gain value (FCBG), a minimum value of an adaptive code-book gain value (ACBG), a noise to signal rate (NSR), and a difference between a minimum value and a maximum value of a pitch delay of the input frame and comparing the calculated values to previously determined threshold values of the calculated values.

For example, in operation (a) of Claim 2, threshold values (four threshold values of four parameters) of a FCBG, a minimum value of an ACBG, a NSR, and a difference between a minimum value and a maximum value of a pitch delay are compared to the FCBG, the minimum value of the ACBG, the NSR, and the difference between the minimum value and the maximum value of the pitch delay of the input frame to classify the input frame as speech or silence. In operation (b), the minimum value of the ACBG of the input frame that is classified as speech is compared to a new threshold value of the minimum value of the ACBG to classify the input frame as voiced or unvoiced.

Further, each of the independent Claims 1, 2, and 9 now expressly recite “wherein the transmission rate is determined without using at least one of a linear prediction analysis and an open-loop pitch detector”, previously relied upon by Applicant to distinguish over the prior art.

Therefore, claims 1-3, 5, 9 and new Claim 10 are not obvious in view of Gao.

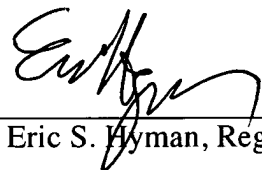
In view of the foregoing, it is believed that all claims now pending, namely 1-3, 5, 9 and 10 patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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